

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

LINDA BURK,	:	CIVIL ACTION NO. 13-811 (MLC)
	:	
Plaintiff,	:	O P I N I O N
	:	
v.	:	
	:	
WARREN COUNTY FREEHOLDERS,	:	
et al.,	:	
	:	
Defendants.	:	
_____	:	

THE COURT, in an order entered May 7, 2013, ordered the plaintiff to advise, inter alia, whether she sought to recover damages pursuant to the United States Constitution or 42 U.S.C. § 1983. (See dkt. entry no. 15, 5-7-13 Order at 1-3.) The Court assumes that the parties are familiar with the contents of that Order.

THE PLAINTIFF, "in response to the Court's Order to Show Cause, . . . notifies both Court and Counsel for the Defendants herein that she relies on the provisions of the New Jersey Constitution and not the provisions of the United States Constitution". (See dkt. entry no, 16, Pl. Response at 1.) As a result, the Court lacks subject-matter jurisdiction here.

FOR GOOD CAUSE APPEARING, the Court will therefore (1) dismiss the Complaint insofar as it may be construed to assert claims pursuant to the United States Constitution or 42 U.S.C. §

1983, and (2) remand the action insofar as it concerns claims asserted pursuant to state law to state court. See 28 U.S.C. § 1367(c)(3) (authorizing district court to decline to exercise supplemental jurisdiction when all claims over which it had original jurisdiction are dismissed). The Court will issue an appropriate order and judgment.

s/ Mary L. Cooper
MARY L. COOPER
United States District Judge

Dated: May 17, 2013